

REMARKS

This is in response to the Office Action dated July 6, 2009. Applicant respectfully requests reconsideration and allowance in view of the above-amendments and the following remarks.

I. CLAIM AMENDMENTS

Claims 1, 33, 65, and 97 are independent claims.

Independent claims 1 and 33 are amended to remove the clause describing that the visual indicator is displayed on all cells of said active point in time disposed within the program grid. These features are added in new dependent claims 161 and 162.

Independent claims 65 and 97 are amended to state further that the plurality of cells currently displayed in the program grid are stationary for at least some movements of the visual indicator to new positions within the cells currently displayed within the program grid.

In addition, several minor wording changes have been made to claims 1, 4, 33, 36, 65, 58, 97 and 100.

The dependencies of claims 29-32, 59-64, 91-96, and 123-128 have been corrected.

II. REJECTIONS UNDER 35 U.S.C. § 103

Claims 1, 24-46, 56-78, 88-110, 120-128 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over U.S. Patent No. 6,412,110 issued to Schein et al. ("Schein") in view of U.S. Patent No. 6,857,128 issued to Borden IV et al. ("Borden").

Claims 15-23, 47-55, 79-87, 111-119 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Schein in view of Borden, and further in view of U.S. Publication No. 2002/0144264 filed by Broadus ("Broadus").

Applicant respectfully traverses the rejections for at least the following reasons.

A. Borden

1. Misapplication to Claims

The present rejection misapplies Borden to Applicant's claim 1 (and/or misinterprets the disclosure of Borden.

The Office Action states on page 12, in response to Applicant's arguments,

Borden discloses wherein a portion of a visual indicator specifying said active cell is visually different from another portion of said visual indicator (fig. 7 The vertical line in between 8:30 and 9:00 represents the visual indicator. The portion of the vertical line that is part of the highlighted grid is different from the rest of the vertical line) and wherein said visual indicator is movable along an axis upon a user request (fig. 7 The user can scroll the grid left or right. The position of the vertical line separating 8:30 and 9:00 changes respective of the grid's current position).

The portion of the vertical line that is part of the highlighted grid in Borden cannot be considered as a portion of a "visual indicator" according to Applicant's claim 1. Claim 1 requires, "a portion of said visual indicator specifying said active cell is visually different from another portion of said visual indicator. Claim 1 also requires "the visual indicator" to be movable upon a user input request. Since "the portion" and the "another portion" of the visual indicator are parts of the visual indicator, both are movable.

In Borden, the portion of the vertical line that is part of the highlighted grid is not movable upon a user input request.

2. Borden Highlights Entire Selection Area – Not Correspond to a Single Point in Time

Borden discloses a scrollable program title area that is reduced in size to allow for a program details area. Program detail area contains expanded information for the program selection area row. The channel information box in the program details area can display additional information about the channel identifier of a row (Col. 4, lines 39).

The "program selection area" of Borden is highlighted, such as by a thicker border, a different background color, and/or a different text color of the program 64 overlying the selection area. (Col. 3, lines 42-51). As shown in the figures, this selection area is not a visual indicator having a position corresponding to a single point in time of an active cell within the grid.

Borden also does not disclose a visual indicator that has a portion specifying an active cell wherein that portion is visually different from another portion of the visual indicator, and that the visual indicator is movable along an axis upon a user input request.

In fact, Borden teach that, unlike the prior art, which responds to commands by moving a selection area across a display of program titles, this EPG responds by scrolling the display while leaving the program selection area fixed. (Abstract; col. 2, lines 59-64).

B. Schein

Schein discloses a pointer 110 and a vertical, dotted line 199. (Fig. 1, Col. 4, lines 21-32 and 59-61).

1. Pointer

The pointer 110 is movable but lacks the following features of Applicant's claim 1:

- a position corresponding to a single point in time of an active cell within the grid (since Schein's entire active cell is highlighted when the user moves the pointer over the area associated with the cell, the pointer corresponds to a graphical area having a time duration) (See, Col. 4, lines 27-32); and
- a portion of said visual indicator specifying said active cell is visually different from another portion of said visual indicator (Schein states in col. 4, lines 27-32 that "the item" may be highlighted, but does not teach or suggest, for example, that a portion of the pointer may be highlighted relative to another portion of the pointer).

Thus, Schein's pointer cannot be interpreted as corresponding to Applicant's claimed "visual indicator".

2. Time Line 199

Time line 199 merely represents the current time with respect to the start of the programs. Time line 199 lacks at least the following features of Applicant's claim 1:

- a portion of said visual indicator specifying said active cell is visually different from another portion of said visual indicator (Schein's time line 199 has a consistent dotted format, and does not in any way "specify" an "active cell"; wherein said visual indicator is movable relative to the axis upon a user input request (As acknowledged by the Examiner, Schein's time line 199 is movable along an axis upon a user input request).

Thus, Schein's time line 199 also cannot be interpreted to correspond to Applicant's claimed "visual indicator".

C. Combination of Schein and Borden

1. Teaching Away From Combination

A person of ordinary skill in the art would not be led to combine the teachings of Schein and Borden, particularly since Borden expressly teach away from such a combination by suggesting a fixed program selection area. For example, Borden disparage the "roving cursor" as having "several undesirable features". (Col. 2, lines 38-39).

2. Proposed Combination Would Still Fail to Disclose Invention

Even if the ordinary person would have been motivated to modify Schein according to the teachings of Borden, the person would be motivated to replace the pointer of Schein with a stationary selection area of Borden.

There is no teaching in Borden that would lead the ordinary person to make the time line 199 of Schein to be movable upon a user input request, particularly since time line 199 is intended to represent the "current time".

Even if the active cell indicator of Borden were combined into the time line and EPG of Schein, as suggested by the Examiner, since the "grid portion of the vertical line" in Borden is not movable, the proposed combination would still fail to satisfy Applicant's "visual indicator" of claim 1.

Thus, independent claim 1 (and similarly independent claims 33, 65 and 97) are new and non-obvious in view of Schein and Borden.

Moreover, independent claims 65 and 97 are amended to state further that the plurality of cells currently displayed in the program grid are stationary for at least some movements of the visual indicator to new positions within the cells currently displayed within the program grid.

As mentioned above, Borden scrolls the program grid.

D. Broadus

Broadus discloses a visual indicator (i.e., a strip 514 in Fig. 5). However, Broadus does not disclose a strip that has a portion specifying an action cell wherein that portion is visually different from another portion of the strip (e.g., solid vs. dotted), and wherein said visual indicator is movable along an axis upon a user input request.

Schein, Borden, Broadus, taken alone or in any combination, do not disclose, suggest, or render obvious a visual indicator that has a portion of specifying an action cell wherein that portion is visually different from the other portion of the visual indicator, and that the visual indicator is movable along an axis upon a user input request.

Therefore, Applicant believes that independent claims 1, 33, 65, 97, and their respective dependent claims are patentable over the cited prior art references. Accordingly, Applicant respectfully requests the rejections under 35 U.S.C. § 103(a) be withdrawn.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

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